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Security Council Committee established pursuant to resolution 1718 (2006)

Note verbale dated 6 November 2017 from the Permanent Mission of Slovakia to the United Nations addressed to the Chair of the Committee

The Permanent Mission of Slovakia to the United Nations has the honour to submit herewith the report of the Slovak Republic on the implementation of Security Council resolution 2371 (2017) to the Chair of the Security Council Committee established pursuant to resolution 1718 (2006) (see annex).

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Annex to the note verbale dated 6 November 2017 from the Permanent Mission of Slovakia to the United Nations addressed to the Chair of the Committee

Report of the Slovak Republic on the implementation of Security Council resolution 2371 (2017)

Slovakia and the other States members of the European Union have jointly implemented the restrictive measures against the Democratic People's Republic of Korea imposed by the Security Council in its resolution 2371 (2017), by taking the following common measures:[1]

(a) Council Implementing Decision (CFSP) 2017/1459 of 10 August 2017 implementing Decision (CFSP) 2016/849 concerning restrictive measures against the Democratic People's Republic of Korea, implementing the designation of additional persons and entities (travel ban and asset freeze);

(b) Commission Implementing Regulation (EU) 2017/1457 of 10 August 2017 amending Council Regulation (EC) No. 329/2007 concerning restrictive measures against the Democratic People's Republic of Korea,[2] which gives effect to Council Implementing Decision 2017/1459;

(c) Council Decision (CFSP) 2017/1562 of 14 September 2017 amending Decision (CFSP) 2016/849 concerning restrictive measures against the Democratic People's Republic of Korea, which sets out the commitment of the European Union to the implementation of the measures contained in resolution 2371 (2017), namely:

(i) Prohibition on entering member States' ports for vessels designated by the Committee pursuant to paragraph 6 of resolution 2371 (2017), unless entry is required in the case of emergency or in the case of return to the vessel's port of origination. The Committee can grant an exemption under certain conditions;

(ii) Clarification that the prohibition on owning, leasing or operating any vessel flagged by the Democratic People's Republic of Korea also applies to chartering vessels flagged by the Democratic People's Republic of Korea;

(iii) Prohibition on procuring coal, iron and iron ore from the Democratic People's Republic of Korea. The prohibition does not apply if the conditions set out in paragraph 8 of resolution 2371 (2017) are met;

(iv) Prohibition on procuring seafood from the Democratic People's Republic of Korea;

(v) Prohibition on procuring lead and lead ore from the Democratic People's Republic of Korea;

(vi) Prohibition on exceeding, on any date after 5 August 2017, the total number of work authorizations for nationals of the Democratic People's Republic of Korea provided in member States' jurisdictions and valid on 5 August 2017. The Committee can grant exemptions on a case-by-case basis under certain conditions;

[1] All common measures are published in the *Official Journal of the European Union*.

[2] Commission Implementing Regulation (EU) 2017/1457 is no longer in force as it has been integrated into Council Regulation (EU) 2017/1509 of 30 August 2017 concerning restrictive measures against the Democratic People's Republic of Korea and repealing Regulation (EC) No. 329/2007.

(vii) Prohibition on the opening of new joint ventures or the expansion of existing joint ventures. The Committee can grant exemptions on a case-by-case basis;

(viii) Clarification that the prohibitions on transferring funds to or from the Democratic People's Republic of Korea also apply to the clearing of funds;

(ix) Clarification that companies performing financial services commensurate with those provided by banks are considered financial institutions;

(x) Obligation to seize and dispose of items the export of which is prohibited under resolution 2371 (2017);

(d) Council Regulation (EU) 2017/1548 of 14 September 2017 amending Regulation (EU) 2017/1509 concerning restrictive measures against the Democratic People's Republic of Korea, which gives effect to the measures set out in Council Decision (CFSP) 2017/1562 of 14 September 2017.

The Council regulations listed above are binding in their entirety and directly applicable in all States members of the European Union.

Council Regulation (EU) 2017/1509 of 30 August 2017 concerning restrictive measures against the Democratic People's Republic of Korea and repealing Regulation (EC) No 329/2007 requires member States to determine the penalties applicable to infringements of their provisions. The penalties determined by Slovakia are set out in article I, sections 21 to 23, of Act No. 289/2016 Coll. of 11 October 2016, on the execution of international sanctions, by which Act No. 126/2011 Coll. was repealed and replaced, and in other relevant legal acts.

The competent authorities of the Slovak Republic for the execution of sanctions are stipulated in article I, section 4, of Act No. 289/2016 Coll., with reference to the responsibilities and competences laid down pursuant to Act No. 575/2001 Coll., on the organization of government activities and on the organization of central State administration. Act No. 289/2016 Coll. lays down provisions on the implementation of international sanctions, mostly in the following areas:

(a) Business and non-financial services;

(b) Financial services, financial markets, money transfers and other means of payment;

(c) Purchase and sale of securities and investment coupons;

(d) Transport, postal services and electronic communications;

(e) Technical infrastructure;

(f) Scientific, technical, cultural and sports-related relations;

(g) Restrictions on the exercise of property rights;

(h) Travel and issuance of visas.

Act No. 289/2016 Coll. also sets out certain obligations for natural and legal persons. It allows the streamlining of the process of freezing funds and introduces a comprehensive procedure for freezing and unfreezing assets.

Pursuant to article 50 (1) of Act No. 483/2001 Coll., on banks and on the amendment of several acts, when the National Bank of Slovakia finds any shortcomings in the operations of a bank or a foreign bank branch constituting violations of legally binding acts of the European Union pertaining to banking activities, it may require a bank or a foreign bank branch to adopt recovery measures,

impose a fine on a bank or a foreign bank branch or even revoke the banking authorization.

As regards restrictions on admission (visa ban), Act No. 404/2011, on the residence of aliens and on the amendment of several acts, together with Council Decision (CFSP) 2016/849 and Council Regulation (EC) No. 539/2001, provides the basis for the refusal of admission and denial of requests for visas. Act No. 404/2011 governs the conditions for the entry and stay of foreign nationals in Slovakia. It regulates, among other things, the scope of activities of public authorities in the area of visas, the conditions for the entry of aliens into the territory of the Slovak Republic, the conditions of residence, the issuance of documents for aliens, the registration of persons and residence control, administrative expulsion and bans on entry, the detention of third-country nationals and their placement in facilities, and the air transit of third-country nationals through the territory of the Slovak Republic.

The entry of vessels into public ports is regulated by article 5 of Act No. 338/2000 Coll., on inland navigation and on the amendment of several acts. The transport authority has responsibilities relating to the prohibition of the entry of vessels into public ports.

Act No. 392/2011 Coll. of 19 October 2011 (as amended), on trading in defence industry products, requires an export authorization for the sale, transfer or export of arms and related materiel[3] to third countries and an authorization for the provision of brokering services related to military activities. The principal body responsible for the sale, transfer or export of arms and related materiel is the Ministry of Economy. Act No. 392/2011 Coll. and Council Common Position 2008/944/CFSP of 8 December 2008 defining common rules governing control of exports of military technology and equipment, together with Council Decision (CFSP) 2016/849, provide the basis for the enforcement of the arms embargo against the Democratic People's Republic of Korea and the ban on related brokering services.

According to Act No. 39/2011 (as amended), on dual-use items, an export authorization is required for the export, transfer, transit and brokering of dual-use items. The principal body responsible for controlling the export, transfer and brokering of dual-use items is the Ministry of Economy. Act No. 39/2011, together with Council Regulation (EC) No 428/2009 of 5 May 2009 setting up a Community regime for the control of exports, transfer, brokering and transit of dual-use items, provides the basis for the control of dual-use items relevant to Security Council resolutions concerning the Democratic People's Republic of Korea.

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[3] The Act applies to all goods included in the Common Military List of the European Union (*Official Journal of the European Union* C 129, 21 April 2015, p. 1).